

**BEFORE THE ARIZONA MEDICAL BOARD**

In the Matter of

**Case No. MD-12-1334A**

**SARA R. SIRKIN, M.D.**

**ORDER FOR PRACTICE  
RESTRICTION AND CONSENT TO  
SAME**

Holder of License No. 13969  
For the Practice of Allopathic Medicine

In the State of Arizona.

**CONSENT AGREEMENT**

Sara R. Sirkin, M.D. ("Physician") elects to permanently waive any right to a hearing and appeal with respect to this Order for Practice Restriction; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Physician is the holder of License No. 13969 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-12-1334A after receiving a Disciplinary Alert Report indicating that on October 23, 2012, Respondent's New York medical license was limited and restricted to office based ophthalmology practice.

4. In 2011, the Ambulatory Surgery Center of Western New York revoked Respondent's surgical privileges after she informally indicated that she planned to retire from surgery. Respondent was a shareholder of the Surgery Center. After appeals, a settlement resulted in restoration of Respondent's privileges, her immediate resignation from the Surgery Center and treatment as a retired shareholder without privileges. In February 2012, the New York State Office of Professional Medical Conduct ("New York Board") reviewed the allegations made by the Surgery Center.

1           5.     On October 23, 2012, Respondent entered into a Non-Disciplinary Order of  
2 Conditions with the New York Board ("New York Order") which limited her practice in that  
3 she may only practice medicine when monitored by a New York Board approved licensed  
4 physician. According to the New York Order, the practice monitor must visit the practice on  
5 a random unannounced basis at least monthly, examine a selection of records, and report  
6 to the New York Board quarterly. It further requires that Respondent maintain medical  
7 malpractice insurance coverage limits no less than \$2 million per occurrence and \$6 million  
8 per policy year and to complete a CME program in medical records. There are no findings  
9 in the New York Order suggesting that Respondent is physically or mentally unable to  
10 safely engage in the practice of medicine.

11           6.     Respondent reports that she is abiding by the limitations imposed by the New  
12 York Office of Professional Medical Conduct and that she will no longer perform surgery  
13 other than procedures authorized by the New York Office of Professional Medical Conduct.

14           7.     THE ORDER ENTERED BY THE NEW YORK OFFICE OF PROFESSIONAL  
15 CONDUCT WAS A NON-DISCIPLINARY ORDER. HOWEVER, UNDER ARIZONA LAW  
16 THE BOARD MAY ENTER INTO A NON-DISCIPLINARY ORDER TO LIMIT A  
17 PHYSICIAN'S PRACTICE ONLY IF THERE IS EVIDENCE THAT THE PHYSICIAN IS OR  
18 MAY BE MENTALLY OR PHYSICALLY UNABLE TO SAFELY ENGAGE IN THE  
19 PRACTICE OF MEDICINE. THE ARIZONA BOARD HAS NOT MADE A FINDING THAT  
20 RESPONDENT HAS A MEDICAL CONDITION THAT WOULD AFFECT HER ABILITY TO  
21 SAFELY ENGAGE IN THE PRACTICE OF MEDICINE. THEREFORE, ARIZONA LAW  
22 REQUIRES THE ARIZONA BOARD TO IMPOSE A DISCIPLINARY PRACTICE  
23 RESTRICTION BASED SOLELY ON THE FINDINGS IN THE NEW YORK ORDER.

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1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over  
3 Physician.

4 2. The conduct and circumstances described above constitute unprofessional  
5 conduct pursuant to A.R.S. § 32-1401(27)(o) ("[a]ction that is taken against a doctor of  
6 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or  
7 physical inability to engage safely in the practice of medicine, the doctor's medical  
8 incompetence or for unprofessional conduct as defined by that jurisdiction and that  
9 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this  
10 paragraph. The action taken may include refusing, denying, revoking or suspending a  
11 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise  
12 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on  
13 probation by that jurisdiction.")

14 ORDER

15 IT IS HEREBY ORDERED THAT:

16 1. Respondent's practice is restricted pursuant to the following terms and  
17 conditions:

18 (a) Respondent shall notify the Board's Executive Director in writing  
19 within sixty days prior to commencing practice in the state of  
20 Arizona.

21 (b) Upon notification of her intent to practice medicine in Arizona,  
22 Respondent shall agree to execute any waiver for the Board to  
23 obtain any records necessary for the Board to determine that the  
24 Respondent is safe to practice medicine. The Board may also  
25 require Respondent, at Respondent's expense, to undergo

1 assessment by a Board approved rehabilitative, retraining or  
2 assessment program.

3 (c) Respondent shall not practice medicine in the State of Arizona and  
4 is prohibited from prescribing any form of treatment including  
5 prescription medications until the Board has determined  
6 Respondent is safe to practice medicine pursuant to subparagraph  
7 (b).

8 (d) After two years, Respondent may petition the Board to request that  
9 the Practice Restriction be lifted.

10  
11 2. The Board retains jurisdiction and may initiate a separate disciplinary action  
12 based on the facts and circumstances that form the basis for this practice limitation or any  
13 violation of this Consent Agreement.

14  
15 DATED this 10<sup>th</sup> day of JUNE, 2013.

16 ARIZONA MEDICAL BOARD

17 By [Signature]  
18 Lisa S. Wynn, Executive Director

19 **CONSENT TO ENTRY OF ORDER**

20 1. Physician has read and understands this Order for Practice Restriction and  
21 Consent to the Same and the stipulated Findings of Fact, Conclusions of Law and Order  
22 ("Order"). Physician acknowledges she has the right to consult with legal counsel  
23 regarding this matter.

24 2. Physician acknowledges and agrees that this Order is entered into freely and  
25 voluntarily and that no promise was made or coercion used to induce such entry.

1           3. By consenting to this Order, Physician voluntarily relinquishes any rights to  
2 a hearing or judicial review in state or federal court on the matters alleged, or to challenge  
3 this Order in its entirety as issued, and waives any other cause of action related thereto or  
4 arising from said Order.

5           4. The Order is not effective until approved and signed by the Executive  
6 Director.

7           5. All admissions made by Physician are solely for final disposition of this  
8 matter and any subsequent related administrative proceedings or civil litigation involving  
9 the Board and Physician. Therefore, said admissions by Physician are not intended or  
10 made for any other use, such as in the context of another state or federal government  
11 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
12 any other state or federal court.


13           6. Upon signing this agreement, and returning this document (or a copy  
14 thereof) to the Board's Executive Director, Physician may not revoke the consent to the  
15 entry of the Order. Physician may not make any modifications to the document. Any  
16 modifications to this original document are ineffective and void unless mutually approved  
17 by the parties.

18           7. This Order is a public record that will be publicly disseminated as a formal  
19 disciplinary action of the Board and will be reported to the National Practitioner's Data Bank  
20 and on the Board's web site as a disciplinary action.

21           8. If any part of the Order is later declared void or otherwise unenforceable, the  
22 remainder of the Order in its entirety shall remain in force and effect.

23           9. Any violation of this Order constitutes unprofessional conduct and may result  
24 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,  
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1 consent agreement or stipulation issued or entered into by the board or its executive  
2 director under this chapter") and 32-1451.

3   
4 Sara R. Sirkin, M.D.

DATED: 5/16/13

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6 EXECUTED COPY of the foregoing e-mailed  
7 this 16 day of May, 2013 to:

8 Sara R. Sirkin, M.D.  
9 Address of Record

10 ORIGINAL of the foregoing filed  
11 this 10<sup>th</sup> day of June, 2013 with:

12 Arizona Medical Board  
13 9545 E. Doubletree Ranch Road  
14 Scottsdale, AZ 85258

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16 Arizona Medical Board Staff  
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